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Department of Education.

May 27, 2004

Honorable Michael K. Powell, Chairman
Federal Communications Commission
445 12th Street, SW
Washington DC 20554

RE: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to
Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and
other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands - WT Docket
No. 03-66

Dear Chairman Powell

It has come to our attention that the Wireless Telecommunications Bureau has circulated to your office and that of the other Commissioners a draft of the proposed rules in the above-referenced ITFS/MDS proceeding. We understand that, among other things, the Bureau's proposal would reduce the amount of spectrum held by each ITFS licensee in order to accommodate new commercial users in the 2.5 GHz band.

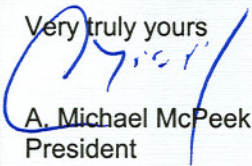
We strongly oppose this prospect. Mountain State College relies upon its ITFS facilities as a critical element in a range of educational initiatives. For this reason, we believe that any action reducing channel size from that outlined in the NIA-WCA proposal would seriously undermine our operations and educational mission. Moreover, such a course would contravene your April 2003 pledge that this proceeding "is not intended to undermine the efforts. . . [of] ITFS licensees who have conscientiously provided valuable educational opportunities and services to the communities they serve." *Notice of Proposed Rule Making and Memorandum Opinion and Order*, re. April 2, 2003 (FCC 03-56), Separate Statement of Chairman Michael K. Powell.

The contemplated channel reduction would also betray the Commission's promise in the 3G proceeding that active licensees of ITFS spectrum would not be compromised in their efforts to continue provisioning critical educational services. Reducing the standard channel group size from 16.5 MHz to 15 MHz to free spectrum for auction would eliminate the very spectrum that is needed if licensees are to provide three 5 MHz channels and still meet today's non-synchronized system guardband requirements.

ITFS is the only spectrum specifically allocated to support formal education. This vital educational asset must be protected. The possibilities for future development of services in the ITFS band are exciting, and we plan to use the spectrum fully in the years ahead. We strongly urge you and your colleagues to support our efforts to preserve this vital educational resource.

In the event that consideration of the NPRM must be delayed in order for our concerns and the similar concerns of scores of other ITFS licensees to be properly addressed, we respectfully ask that you make this change to the June 10 Commission Meeting agenda.

Very truly yours


A. Michael McPeck
President

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein